

Message Text

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51

ACTION IO-14

INFO OCT-01 NEA-10 ADP-00 IOE-00 AF-10 ARA-16 EA-11 EUR-25

RSC-01 EB-11 COME-00 TRSE-00 OMB-01 AID-20 SSO-00

NSCE-00 USIE-00 INRE-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 RSR-01

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O P 271555Z JUL 73

FM USMISSION GENEVA

TO AMEMBASSY TOKYO IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 793

AMEMBASSY BEIRUT PRIORITY

AMEMBASSY TELAVIV PRIORITY

USMISSION USUN NY PRIORITY

C O N F I D E N T I A L GENEVA 3956

E.O. 11652: GDS

TAGS: ECOSOC

SUBJ: ECOSOC 55-WEST ASIAN ECONOMIC COMMISSION

REF: TOKYO 9599

1. FOLLOWING ARE REPLIES TO SPECIFIC QUERIES AND
COMMENTS RAISED REFTEL.

2. RE PARA 2 (A) REFTEL. TANIGUCHI CORRECT AMENDMENT
NOT DEFEATED BUT "AMBASSADOR GHORRA CALLED THESE AMEND-
MENTS (NETHERLANDS AND US) UNACCEPTABLE". GENEVA 3821
(NOTAL). AFTER GHORRA'S STATEMENT (GENEVA 3821) USG
TABLED ICJ RESOLUTION. UNDERSTANDABLE THAT TABLING OF
ICJ RESOLUTION MAY HAVE COME AS SURPRISE TO MOST DELS
AS AUTHORIZATION FOR MOVE REACHED US FROM WASHINGTON
FRIDAY MORNING, ONE AND A HALF HOURS BEFORE AMBASSADOR
FERGUSON'S FIRST INTERVENTION. HOWEVER, AT END OF FIRST
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INTERVENTION AMBASSADOR FERGUSON ADDED (NOT IN PREPARED

TEXT) FOLLOWING STATEMENT "MY DELEGATION FEELS SO STRONGLY ABOUT THE ISSUE OF CONSTITUTIONALITY AND ILLEGALITY THAT IT IS PREPARED TO TABLE RESOLUTION REQUESTING AN ICJ ADVISORY OPINION ON THE MATTER". ROSENNE (AMBASSADOR ISRAEL) WAS INFORMED OF IMPENDING MOVE JUST BEFORE AMBASSADOR FERGUSON BEGAN INTERVENTION. AT THAT POINT HE WAS VIOLENTLY OPPOSED TO ICJ REQUEST INDICATING LONG-STANDING ISREALI POLICY OF HOSTILITY TO ICJ ACTION. ISRAELIS HAVE NOW INFORMED US THAT ON FURTHER REFLECTION THEY BELIEVE ICJ MOVE WAS "BRILLIANT STROKE". OTHER FRIENDLY DELS OF OPINION ICJ MOVE ONLY ONE WITH EVEN REMOTE CHANCE OF SUCCESS.

3. RE PARA 2 (B) REFTEL. CONTRARY TO TANIGUCHI IMPRESSION USG DEL HAS BEEN GOING ALL OUT TO GATHER SUPPORT FOR ITS POSITION. IT IS TRUE THAT IN FIRST DAYS USG ATTEMPTED TO ASSESS SUPPORT FOR SIMPLE POSTPONEMENT AND FOUND THAT SUCH A MOTION BY USG WOULD LOSE BY OVER 30 VOTES IN OPPOSITION AS AGAINST 11 IN SUPPORT. IN ADDITION AS WE HAVE REPEATEDLY REPORTED TO DEPT, GHORRA (LEBANESE AMBASSADOR) HAS BEEN PEDDLING LINE PUBLICLY IN INTERVENTIONS AND PRIVATELY THAT HE UNDERSTOOD HE HAD COMMITMENT FROM USG THAT DECISION ON CREATION OF COMMISSION WOULD BE REACHED IN GENEVA WITHOUT OPPOSITION FROM USG. WE BELIEVE GHORRA MISREADING REMARKS MADE TO HIM IN NEW YORK AND PARTICULARLY MISREADING STATEMENT MADE ON RECORD BY USG WELCOMING POSTPONEMENT TO GENEVA SESSION. JAPANESE DELEGATION WAS CONSULTED ON SIMPLE ISSUE OF POSTPONEMENT AND KEY EUROPEANS HAVE BEEN CONSULTED ON POSTPONEMENT AND ICJ RESOLUTION, I.E. FINLAND, FRANCE, NETHERLANDS, NEW ZEALAND, SPAIN, USSR, UK, BELGIUM, CANADA, DENMARK, ITALY, SWEDEN, TURKEY AND YUGOSLAVIA.

4. RE PARA 2 (C) REFTEL. US AMENDMENT HAS NOT BEEN WITHDRAWN OR DEFEATED (ALTHOUGH AS NOTED IT WAS NOT ACCEPTED BY GHORRA). WE INTEND TO PRESS AMENDMENT TO VOTE ALTHOUGH OUR READING IS THAT AMENDMENT WILL LOSE BY APPROXIMATE VOTE 27 TO 11 REMAINDER ABSTAINING. IT IS NOT ABSOLUTELY CLEAR THAT US RESOLUTION HAS PRIORITY IN VOTE OVER LEBANESE RESOLUTION. ISSUE TURNS ON WHETHER

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RESOLUTION IS SUBSTANTIVE, I.E. MAKES FINAL DETERMINATION ON DISPOSITION OF LEBANESE RESOLUTION OR IS PROCEDURAL, I.E. MAKES NO FINAL DETERMINATION ON DISPOSITION. WE ARGUE THAT SINCE PARA 4 OF ICJ RESOLUTION DOES NOT CONSTITUTE DECISION ON SUBSTANCE OF LEBANESE PROPOSAL AND INVOLVES A POSTPONEMENT OF DECISION UNTIL ECOSOC HAS BENEFIT OF ICJ VIEW OF LEGALITY, RESOLUTION FALLS WITHIN SECOND PARA RULE 66, RULES OF PROCEDURE ECOSOC

"ANY MOTION REQUIRING THAT NO DECISION BE TAKEN ON THE SUBSTANCE OF SUCH PROPOSALS SHALL, HOWEVER, BE CONSIDERED AS PREVIOUS QUESTIONS AND SHALL BE PUT TO VOTE BEFORE THEM". THERE IS OPPOSING ARGUMENT THAT WHILE MERELY REQUESTING OPINION ICJ AND SEEKING POSTPONEMENT UNTIL RECEIPT OF SUCH OPINION WOULD BY ITSELF BE PROCEDURAL, IN FACT THE REQUESTED OPINION IS ON SUBSTANCE OF MATTER IN LEBANESE RESOLUTION. THUS, THE REQUEST FOR SUCH A SUBSTANTIVE OPINION WOULD THEN ITSELF BE SUBSTANTIVE AND NO LONGER MERELY PROCEDURAL, I.E. THAT PROCEDURAL REQUEST FOR SUBSTANTIVE RULING RENDERS REQUEST ITSELF SUBSTANTIVE. TACTICALLY, THE KEY TO DISPOSITION MAY DEPEND UPON RULING OF CHAIR ON THIS ISSUE.

5. RE PARA 3 REFTTEL. QUITE CLEAR THAT MOVE FOR DELETION OF KEY PARA (I.E. MEMBERSHIP PROVISION) CANNOT GAIN MORE THAN 11-12 VOTES OUT OF 54. DISAGREE STRONGLY WITH TANIGUCHI'S COMMENT THAT "US AMENDMENT HAD TOO DIRECTLY OPPOSED LEBANESE TEXT". PARLIAMENTARY SITUATION AFTER AMBASSADOR FERGUSON'S FIRST INTERVENTION WHICH CONCLUDED 11:30 FRIDAY MORNING WAS THAT NO OTHER SPEAKERS ON LIST. FYI JAPANESE HAD NOT SPOKEN END FYI. WE HAD FIRM INFORMATION ARABS INTENDED MOVE FOR CLOSURE AND PUSH MATTER TO VOTE AND ON VOTE ON THEIR RESOLUTION THEY WOULD HAVE HAD 3 TO 1 MAJORITY. HENCE ONLY WAY OF BLOCKING ARAB MOVE WAS TO TABLE OUR AMENDMENT TO BRING MEMBERSHIP PROVISION IN CONFORMITY WITH ECOSOC PRECEDENTS AND CLAIM BENEFIT OF 24-HOUR RULE. USG FORCED IN THIS BLOCKING POSITION BY LACK OF SHOW OF PUBLIC SUPPORT FOR USG POSITION BY THOSE WHO SHARE OUR VIEWS, I.E. EVERY ARAB AND INDIAN AND SRI LANKA DELS HAVE MADE STATEMENTS IN SUPPORT FOR ARAB POSITION AND AGAINST US. ON OUR SIDE WE ABLE MUSTER ONLY NETHERLANDS
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